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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,532	03/16/2004	Joe Wang	1351018	5946
7590 03/24/2006			EXAMINER	
PRO-TECHTOR INTERNATIONAL 20775 Norada Court Saratoga, CA 95070-3018			NGUYEN, TUAN N	
			ART UNIT	PAPER NUMBER
			3751	

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/803,532	<b>Applicant(s)</b> WANG, JOE	
	<b>Examiner</b> Tuan N. Nguyen	<b>Art Unit</b> 3751	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations of claim 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Liu.

In regard to claim 1, Liu discloses a writing apparatus comprising a pen body (1, 20, 31), the pen body having a receiving portion (about 31) in the periphery thereof adapted to accommodate a show item (33); and a transparent socket (21) capped on the pen body and forming with the receiving portion a show window adapted to hold and protect a shown item. In regard to claim 2, the receiving portion is a recess (see Fig. 3). In regard to claim 3, the pen body comprises a springy retaining stub rod (310) protruded from a spring strip (31) thereof adapted to lock the transparent socket somewhat, the transparent socket comprises a retaining hole (see Fig. 1) adapted to receive the springy retaining stub rod. In regard to claim 4, the writing apparatus further comprises a guide structure (the threads between 20 and 21 are considered as guide structure) adapted to guide the retaining hole of the transparent socket into engagement with the springy retaining stub rod of the pen body. In regard to claim 5, the guide structure comprises a guide rod (the protruding threads of 20) protruded from the periphery of the pen body, and a sliding groove (the protruding threads of 21 mating with threads of 20) longitudinally formed in an inside wall of the transparent socket and adapted to receive the guide rod. In regard to claim 6, the guide structure comprises a

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guide rod (the protruding threads of 21 mating with threads of 20) protruded from an inside wall of the transparent socket, and a sliding groove (the protruding threads of 20) longitudinally formed in the periphery of the pen body and adapted to receive the guide rod.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kirklen.

In regard to claim 1, Kirklen discloses a writing apparatus comprising a pen body (11, 27, 13), the pen body having a receiving portion (about 27) in the periphery thereof adapted to accommodate a show item; and a transparent socket (10) capped on the pen body and forming with the receiving portion a show window adapted to hold and protect a shown item. In regard to claim 2, the receiving portion is a recess (see Fig. 2). In regard to claim 3, the pen body comprises a springy retaining stub rod (13) protruded from a spring strip (15) thereof adapted to lock the transparent socket somewhat, the transparent socket comprises a retaining hole (see Fig. 2, where 14 protrudes) adapted to receive the springy retaining stub rod (13). In regard to claim 4, the writing apparatus further comprises a guide structure (the threads 12 between 11 and 10 are considered as guide structure) adapted to guide the retaining hole of the transparent socket into engagement with the springy retaining stub rod of the pen body.

### ***Conclusion***


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Burden et al., Brummernhenrich, Tosto, Musser, and Shea disclose other writing apparatus with a transparent socket.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N. Nguyen whose telephone number is 571-272-4892. The examiner can normally be reached on Monday-Friday (10:00-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Tuan Nguyen  
Primary Examiner  
Art Unit 3751  
3/20/06

TN